

**IN THE INCOME TAX APPELLATE TRIBUNAL  
COCHIN BENCH, COCHIN**

**Before Shri Satbeer Singh Godara, Judicial Member &  
Shri Amarjit Singh, Accountant Member**

ITA No.822/Coch/2023 : Asst.Year 2017-2018

Sri.Mahesh Padikaparambu Govindan, Padikkaparambu Thekke Nada, Vaikom Kottayam – 686 141. <b>PAN : BTFPG2882M.</b>	v.	The Income Tax Officer Ward - 3 Kottayam.
(Appellant)		(Respondent)

Appellant by : Sri.Mathew Joseph, CA  
Respondent by : Smt.V.Swarnalatha, Sr.DR

<b>Date of Hearing : 16.08.2024</b>	<b>Date of Pronouncement : 05.11. 2024</b>
-------------------------------------	--

**ORDER**

**Per Bench :**

This assessee's appeal in ITA No.822/Coch/2023 for assessment year 2017-2018 arises out of the order of the Commissioner of Income-tax (Appeals) / NFAC vide DIN & Order No.ITBA/NFAC/S/250/2023-24/1057172755(1) dated 18.10.2023 in proceedings u/s.143(3) of the Income-tax Act, 1961; in short "the Act" hereinafter.

2. It emerges during the course of hearing that the assessee's sole substantive grievance raised in the instant appeal challenges the correctness of lower authorities action in making secs.68 and 69 unexplained investment addition of Rs.10.92 lakh representing cash deposited during demonetization period. A perusal of the case file; and more particularly, the assessment discussion in para 5 suggests

that the assessee is a mobile recharge distributor for M/s. Bharti Airtel. In view of these facts and circumstances, we *prima facie* find that although this appellant has not been able to plead and prove all facts in entirety, the same duly forms *prima facie* evidence that these cash deposits could indeed be attributed to his cash receipts in mobile recharge business only. Faced with this situation, we deem it appropriate in the larger interest of justice that the impugned sec.69 addition of Rs.10.92 lakh deserves to be upheld only to the extent of Rs.5 lakh in peculiar facts and circumstances, subject to a rider that the same should not be taken as a precedent for the subsequent assessment years or in any other appeal; as the case may be. The assessee gets relief of Rs.5.92 lakh. Necessary computation shall follow as per law.

3. This, assessee's appeal ITA No.822/Coch/2023 is partly allowed in above terms.

Order pronounced in the open court on this day 5<sup>th</sup> of November, 2024.

**Sd/-**  
**(Amarjit Singh)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(Satbeer Singh Godara)**  
**JUDICIAL MEMBER**

Cochin ; Dated : 5<sup>th</sup> November, 2024.

Devadas G\*

Copy to :

1. The Appellant.
2. The Respondent.
3. The CIT Concerned.
4. The DR, ITAT, Cochin.
5. Guard File.